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SUBJECT: GUATEMALA: 2004 ANNUAL TERRORISM REPORT

REF: STATE 245841

11. The following is Embassy Guatemala's submission for the 2004 Annual Terrorism Report:

Begin text:

There were no significant acts of international terrorism in Guatemala in 2004. The Government of Guatemala has supported the war on terrorism in international fora such as the UN and OAS and cooperates fully with the United States. Guatemala signed the Inter-American Convention Against Terrorism but has not yet ratified it. In 2004, Guatemala redoubled efforts to cooperate with Mexico on border security through the bilateral High-Level Group for Frontier Security (GANSEF). The Guatemalan Government also created and filled a high-level counterterrorism czar position to coordinate interagency efforts on counterterrorism issues.

Severe resource constraints, corruption, and an ineffective criminal justice system are some of the impediments facing Guatemala in its struggle against transnational crime threats such as drug trafficking and alien smuggling. Guatemala's northern border with Mexico lacks effective coverage by police or military personnel, and controls at its southern and eastern borders with El Salvador have been relaxed as part of the Central American integration process. Guatemala lacks the technology and manpower to effectively monitor transit of possible international terrorists. Nevertheless, Guatemalan authorities provided strong cooperation to U.S. requests for assistance in the investigation of possible terrorism leads.

Guatemalan authorities have responded favorably to requests for enhanced security of official U.S. property and personnel on an as-needed basis. Guatemalan law enforcement authorities do not have wiretapping authority, but the government is studying the issue to determine if constitutional stipulations on privacy apply to this area. Law enforcement authorities can initiate physical surveillance of terrorist suspects, but the police have limited capabilities. Military intelligence personnel were involved in counterterrorism investigations in the past, but the military downsizing has reduced military intelligence capabilities, and the reform of military doctrine has eliminated any internal security roles for the Guatemalan military. Terrorism suspects -- like detainees suspected of any other type of crime -- can only be held for six hours before being charged.

Guatemala was removed from the Financial Action Task Force (FATF) list of Non-Cooperative Countries and Territories (NCCT) in July 2004 after the FATF determined that Guatemala had made sufficient progress in eliminating deficiencies in Guatemala's anti-money laundering regime. These measures have included the creation of a Financial Intelligence Unit, passing comprehensive banking legislation, and bringing the offshore banking sector under the effective supervision of the Financial Intelligence Unit.

Guatemala has taken a number of initiatives with regard to terrorist financing. Article 391 of the Guatemalan Penal Code sanctions all preparatory acts leading up to a crime, and terrorist financing can be considered an offense under this Article. Technically, both judges and prosecutors could issue a freeze order on terrorist assets, but no test case has validated these procedures. There is no known credible evidence of terrorist financing in Guatemala, and the Guatemalan Government along with the financial sector, has been very cooperative in looking for such funds. Specific legislation to address terrorist financing is currently being considered by the Guatemalan Congress.

Guatemalan civil aviation and port authorities have been very responsive to U.S. requests for assistance in investigating potential terrorism leads. The Guatemalan Government is currently working to enhance overall maritime and aviation security and counterterrorism capabilities in order to remain in compliance with rising international standards. However, organized crime and smuggling rings continue to operate in Guatemala's principal ports and airports, and, together with corruption, pose an ongoing security threat.

Guatemala is a party to 10 of the 12 United Nations conventions and protocols related to terrorism and to one OAS counterterrorism convention.

End text.  
HAMILTON